

AMENDMENT UNDER 37 C.F.R. § 1.111
Application 10/743,874
Atty Docket No.: Q78611

REMARKS

The Office Action of March 18, 2005 has been received and its contents carefully considered.

Claims 1 to 11 are all the claims pending in the application, prior to the present amendment.

The Examiner has objected to the Abstract because it is too long.

In response, applicants have presented a new Abstract as set forth above.

Applicants have added new claims 12 to 15. Claim 12 is directed to a solid electrolytic capacitor that contains an electrode conducting polymer that has a structured unit represented by formula (1b) as a repeating chemical structure. Formula (1b) of claim 12 is the same as formula (1b) of claim 4. Claim 13 depends from claim 12 and recites the structural formula (2) set forth in claim 5. Claims 14 and 15 depend from claims 12 and 13, and are directed to methods for forming the solid electrolyte capacitor.

Claims 1, 2, 4 and 5 have been provisionally rejected under the judicially doctrine of obviousness type double patenting as being unpatentable over claims 20 to 26 of copending Application No. 10/466,517 in view of U.S. Patent No. 4,910,645 to Jonas et al.

The Examiner asserts that claim 23 of the copending application discloses all of the recitations of the present claims, except that the claims of the copending application do not specify an oxide dielectric film formed between the metal anode and the electrode conducting polymer. The Examiner relies on the teachings of Jonas et al, at column 2, lines 1 to 40, for a teaching of a dielectric film between the metal anode and the electrode conducting polymer

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layer. The Examiner argues that it would have been obvious to add an oxide dielectric film to the claims of the copending application in view of the teachings of Jonas et al.

In response, applicants point out that claim 1 requires that the polymer be formed by employing a solution that has a viscosity of less than 100 cp at 23°C. New claims 12 to 15 also recite this viscosity requirement. Claims 4 and 5, which depend from claim 3, require that the polymer be formed by a polymerization process in which the humidity in the atmosphere in the polymerization process is from 10% to less than 60%. Neither the copending application nor Jonas et al disclose these features.

The present specification discloses that polymers formed under these conditions have different properties, and, therefore, are different than polymers that are not formed under these conditions.

Thus, Comparative Example 1 employed a viscosity that was higher than the less than 100 cp viscosity set forth in claim 1. As can be seen from Tables 1 and 2, the results for Comparative Example 1 were inferior to those obtained in accordance with the present invention. Applicants submit that these results show that the polymers of claim 1 would be different from the polymers disclosed in the copending application and Jonas et al.

Similarly, Comparative Examples 2 and 3 employed humidity conditions that were outside the scope of claim 3. As shown in Table 3 of the present application, the results for Comparative Examples 2 and 3 were inferior to those obtained for the present invention. Applicants submit that these results show that the polymers of claim 4 and 5 would be different from the polymers disclosed in the copending application and Jonas et al.

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Accordingly, applicants submit that the present specification establishes that the method of making the polymer results in different polymers and, therefore, neither the copending application nor Jonas et al disclose the solid electrolytic capacitor of the present claims.

In view of the above, applicants submit that the present claims are patentable over claims 20 to 26 of copending Application No. 10/466,517 in view of U.S. Patent No. 4,910,645 to Jonas et al and, accordingly, request withdrawal of this rejection.

Claims 1, 2, 4 and 5 have rejected under 35 U.S.C. § 102(b) as anticipated by Jonas et al.

The Examiner states that Jonas et al disclose all of the features of the present claims, except for the process limitations. The Examiner states that the present claims are directed to a product, and although they include process recitations the patentability of a product does not depend on its method of production.

As discussed above, applicants point out that the present specification provides evidence that the polymer products of the present invention have properties that are different from polymers that are produced by processes that do not satisfy the process recitations of the present claims. Therefore, the polymers of the present invention are not the same as those disclosed in Jonas et al. Accordingly, applicants submit that Jonas et al do not disclose the solid electrolytic capacitor of the present claims.

In view of the above, applicants submit that the present claims are patentable over Jonas et al and, accordingly, request withdrawal of this rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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